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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,119	12/22/2003	W. Carey Bunn	END920030045US1	7503
46583	7590	12/12/2007		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER SCHMIDT, KARI L	
			ART UNIT 2139	PAPER NUMBER
			NOTIFICATION DATE 12/12/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/743,119	Applicant(s) BUNN ET AL.	
	Examiner Kari L. Schmidt	Art Unit 2139	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-20.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


 SYED A. ZIA
 PRIMARY EXAMINER

Continuation of 11: The examiner notes that the applicant argues that Bunker doesn't teach "reviewing security of a network perimeter architecture; reviewing security of data processing devices that transfer data across the perimeter of the network; reviewing security of applications that transfer data across said perimeter; reviewing the vulnerability of applications or data processing devices within said perimeter from computers or users outside of said perimeter; and generating a report concerning security of said perimeter based upon all of the reviewing steps." The examiner notes that Irvin discloses a "reviewing security of a network perimeter architecture (see at least, [0006]: the examiner interprets testing perspective, vulnerabilities can only be found in devices that may be known to exist. Therefore the ability to see all of the networks that may be reachable from the Internet may be paramount to accurate security testing and when testing devices a report is generated to review the testing, [0017]); reviewing security of data processing devices that transfer data across the perimeter of the network (see at least, [0012]: the examiner interprets the database warehouses raw information gathered from the customer systems that transfer data across the networks, the raw information may be refined for the Report Generator to produce different security reports that are reviewed"); reviewing security of applications that transfer data across said perimeter (see at least, [0012]: the examiner interprets the database warehouses raw information gathered from the customer systems that transfer data across the networks, the raw information may be refined for the Report Generator to produce different security reports that are reviewed); reviewing the vulnerability of applications or data processing devices within said perimeter from computers or users outside of said perimeter (see at least, [0018-0019]: the examiner interprets that new vulnerabilities may be announced on a daily basis; [0056]: vulnerability library catalogs all the vulnerabilities which may be used by the report generator so it can be reviewed); and generating a report concerning security of said perimeter based upon all of the reviewing steps (see at least, [0017], [0061]: the examiner interprets the report generator can use the detailed information collected about the customer's system to generate reports about the customer's system profile (computer's profile on the network); the report generator subsystem accesses the report elements to create a customer vulnerability assessment report)." The examiner notes to review a network's security a report must be generated and to generate a report first test cases are created and then the system tested by scanning the network and a report is generated to be view and notified if the network is vulnerable..